

Michael J. Keane (MK-7655)
Kevin G. Donoghue (KD-2875)
GARFUNKEL, WILD & TRAVIS, P.C.
Attorneys for Defendant
111 Great Neck Road
Great Neck, New York 11021
(516) 393-2200
E-mail: mkeane@gwtlaw.com
kdonoghue@gwtlaw.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CREDITEK, LLC,

Plaintiff,

-against-

NORTH GENERAL HOSPITAL,

Defendant.
-----X

:
: **NOTICE OF MOTION**
: **TO DISMISS THE COMPLAINT**
:

: CV 07-9322


: (J. COTE)
:
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PLEASE TAKE NOTICE that, upon the annexed Declaration of Michael J. Keane, dated December 7, 2007, and upon the exhibits attached thereto; the accompanying Memorandum of Law in support of this motion; and the pleadings herein, the undersigned will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, on the 21st day of January, 2008, at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel may be heard, for an order on behalf of defendant North General Hospital, pursuant to Rules 12(b)(3) and (b)(6) of the Federal Rules of Civil Procedure and 28 U.S.C § 1406(a) dismissing Plaintiff's complaint as it was filed in an improper forum based upon a forum selection clause in the parties' agreement, and for such other and further relief as this Court deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: Great Neck, New York
December 7, 2007

GARFUNKEL, WILD & TRAVIS, P.C.
Attorneys for Defendant

By 
Michael J. Keane (MK-7655)
Kevin G. Donoghue (KD-2875)
111 Great Neck Road
Great Neck, New York 11021
(516) 393-2200

TO: Christopher G. Kelly, Esq.
Christelette A. Hoey, Esq.
Holland & Knight, LLP
195 Broadway, Floor 24
New York, New York 10007